

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JENNY HWANG, on behalf of herself and
all others similarly situated,

Plaintiffs,

-against-

GAVRIEL'S JEWELRY, INC.,

Defendant.

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REPORT AND
RECOMMENDATION
23 CV 1705 (OEM)(RML)

LEVY, United States Magistrate Judge:

Plaintiff Jenny Hwang (“plaintiff”) commenced this purported class action on March 6, 2023, asserting claims against defendant Gavriel’s Jewelry (“defendant”) under Title III of the Americans with Disabilities Act of 1990, the New York State Human Rights Law, the New York State Civil Rights Law, and the New York City Human Rights Law. (See Complaint, dated Mar. 6, 2023, Dkt. No. 1.) Defendant was served with the summons and complaint on June 22, 2023 (see Proof of Service of Tal Finkel, dated June 23, 2023, Dkt. No. 5), and an answer was due by July 13, 2023. To date, defendant has not appeared or responded to the complaint.

By order dated August 4, 2023, I directed plaintiff to move for entry of default, or request more time to do so if necessary, by August 18, 2023. (See Order, dated Aug. 4, 2023.)

Plaintiff did not move for entry of default or otherwise contact the court by that date.

Accordingly, I issued an order on August 31, 2023, directing plaintiff to either move for entry of default or show good cause for an extension of time by September 8, 2023. The order advised plaintiff that “[f]ailure to comply will result in a recommendation to Judge Orelia E. Merchant that this case be dismissed for failure to prosecute.”

Again plaintiff did not move for entry of default or contact the court, and she appears to have abandoned this case. I am therefore constrained to recommend that this case be dismissed for lack of prosecution. Any objection to this Report and Recommendation must be filed electronically, with a courtesy copy to Judge Merchant, within fourteen (14) days. Failure to file objections within the specified time period waives the right to appeal the district court's order. See 28 U.S.C. § 636(b)(1); see also FED. R. CIV. P. 72(b), 6(a), 6(d).

Respectfully submitted,

/s/
ROBERT M. LEVY
United States Magistrate Judge

Dated: Brooklyn, New York
October 3, 2023